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REMARKS

Claims 1-12 were examined and reported in the Office Action. Claims 1-4 were rejected. Claims 1-12 are amended. Claims 1-12 remain.

Applicant requests reconsideration of the application in view of the following remarks.

I. 37 CFR 1.75(c)

It is asserted in the Office Action that claims 5-12 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims should refer to other claims in the alternative only. Applicant has amended the claims to overcome the 37 CFR 1.75(c) objection.

Accordingly, withdrawal of the 37 CFR 1.75(c) objection for claims 5-12 are respectfully requested.

II. 35 U.S.C. §102(b)

It is asserted in the Office Action that claims 1-4 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,979,892 issued to Gellert ("Gellert"). Applicant respectfully disagrees.

According to MPEP §2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990))."

Applicant's amended claim 1 contains the limitations of " [a] device for injecting material in a plastic state into a moulding cavity, comprising: a distributor of

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material in a plastic state, comprising at least one outlet for material in a plastic state, placed along a pre-set axis, an injection nozzle comprising at least one component which is connected to the distributor by a detachable connection means and defines for the injection nozzle a front surface configured in such a way as to become integral with the moulding cavity, the injection nozzle comprising at least one channel for material in a plastic state, placed along said axis, placed in a fluid relationship with said outlet, and emerging in said front surface, controlled means of blanking said channel, wherein said detachable connection means comprises: means of indexing the angular position of said front surface in relation to the distributor, around said axis, and looking means fixing said front surface in relation to the distributor in the relative angular position imposed by the indexing means."

Applicant's claimed invention is of the type where the outlet (23) through which the material in a plastic state leaves the distributor (11) and the injection nozzle (10), and specially the channel (15) arranged therein for guiding the material in a plastic state, lie along the same pre-set axis (4). Further, the front surface (78) of the injection nozzle (10) is configured in such a way as to become integral with the molding cavity (2), i.e. in such a way as to be an integral portion of the surface (3) of the cavity (2) and thus to contribute to the shaping of the article molded therein. With a device as claimed by Applicant, it is specially relevant that the front surface (78) of the nozzle (10) lies in a correct orientation around the pre-set axis (4) with respect to the surface (3) of the cavity (2), i.e. with respect to the distributor (11) which, as a matter of fact, is the only component which carries the nozzle (10).

It should be noted that the above is true not only when the shape of the article to be molded involves that the front surface (78) of the nozzle (10) is not flat and/or is not perpendicular to the axis (4) and thus should always lie in a one and single orientation around the axis in order to lie "flush" with the surface (3) of the cavity (2), but also when the shape of the article to be molded involves that the front surface (78) of the nozzle (10) is flat and perpendicular to the axis (4), in order to be flush with a surrounding flat position of the surface (3) of the cavity, insofar as phenomena such as an irregular abrasion of the front surface of the nozzle and of the surface of the cavity, around the axis, by the material injected into the cavity can give importance to the fact of giving the front surface (78) an orientation, around the axis (4), which is identical with the original

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orientation when the nozzle (10) is reassembled after being dismounted, e.g. for cleaning or for other purposes.

Under such circumstances, a incorrect orientation of the front surface (78) of the nozzle (10) with respect to the common axis (4) of the nozzle (10) and of the material outlet (23) of the distributor (11) occurs into an irregular shaping of the article to be molded, with recesses and protrusions at the junction between the front surface (78) of the nozzle (10) and the surface (3) of the molding cavity, unless the front surface (78) of the nozzle (10) and the surface (3) of the cavity are machined again at each reassembling, what is expensive and may occur into a progressive loss of conformity of the shape of the molded articles to a pre-set shape.

Gellert disclose the axis of the nozzle (10) is not common to the material outlet bore (54) of the distributor or manifold (12), but it is perpendicular to the axis of the material outlet bore (54), which is lateral with respect to the distributor or manifold (12). Under such circumstances, an incorrect orientation of the nozzle (10) around the axis of the material outlet bore (54) of the distributor or manifold (12) is indeed avoided by means of the connection means (30) and bolts (28), but there are no means for avoiding an incorrect orientation of the front surface of the nozzle (10), i.e. of the nose portion (42) of the insert (40), around the axis of the nozzle (10) itself, which is not the same as the axis of the material outlet bore (54) of the distributor or manifold (12). As a matter of fact, the insert (40) is merely screwed coaxially into the nozzle (10) itself, in a manner which cannot give a precise relative orientation around the axis of the nozzle (10) in the same way as in other known devices criticized in the preamble of the description of the Applicant's specification. Thus, it can be said that Gellert's device includes means for indexing the orientation of the front surface of the nozzle around the axis of the material outlet (54) of the distributor or manifold (12), i.e. around an axis which is perpendicular to the axis of the nozzle (10), but not around an axis which would coincide with the axis of the nozzle as asserted in Applicant's amended claim 1.

Moreover, the question of a correct or incorrect orientation of the front surface of the nozzle (10) is not asked in Gellert insofar such front surface is set back from the surface of the molding cavity, namely is received in a seat (44) around a gate (46) through the cavity plate (36) leading the cavity (48), and never contacts the material

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injected into the cavity (48); in other words, it plays no part in the shaping of the molded article. The only portion of the nozzle components which plays a part in the shaping of the injected material is the forward end face (76) of the valve member (64) when it is seated in the gate (46) in the forward closed position, and the question of giving a preset orientation thereof around the axis of the nozzle (10) would be relevant in this respect. This question is not approached by Gellert and, as a matter of fact, Gellert's device includes no provision for indexing the position of the forward end face (76), i.e. of the valve member (64), around the axis of the nozzle (10), besides the fact that the axis of the nozzle (10) is not common to the material outlet (54) of the distributor or manifold (12). Further, Gellert has not even touched about the question regarding indexation around the axis of the nozzle.

Supposing now that Gellert's device is modified in such a way that the forward end face of the insert (40) lies flush with the surface of the cavity (48) and defines the gate (46) leading thereto, the angular position of such forward end around the axis of the nozzle (10) varies as a function of the rate of screwing of the insert (40) into the nozzle (10) after it has been disassembled therefrom through unscrewing, i.e. as a function of the screwing effort applied to the insert (40) at the end of the screwing. In other words, in the same way as in the devices of the Prior Art criticized in the preamble of Applicant's description, the risk that the insert (40) does not recover the original orientation of its forward end face around the axis of the nozzle (10) is very high, as well as the risk that the forward end face of the insert (40) thus does not lie flush with the surface of the cavity (48) anymore.

Therefore, since Gellert does not disclose, teach or suggest all of Applicant's amended claim 1 limitations, as listed above, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(b) has not been adequately set forth relative to Gellert. Thus, Applicant's amended claim 1 is not anticipated by Gellert. Additionally, the claims that depend directly or indirectly from Applicant's claim 1, namely claims 2-4, are also not anticipated by Gellert for the above same reasons.

Accordingly, withdrawal of the 35 U.S.C. §102(b) rejection for claims 1-4 are respectfully requested.

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Page 12CONCLUSION

In view of the foregoing, it is submitted that claims 1-12 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

PETITION FOR EXTENSION OF TIME

Per 37 C.F.R. 1.136(a) and in connection with the Office Action mailed on Tuesday, June 17, 2003, Applicant respectfully petitions the Commissioner for a one (1) month extension of time, extending the period for response to Friday, October 17, 2003. The Commissioner is hereby authorized to charge payment to Deposit Account No. 02-2666 in the amount of \$110.00 to cover the petition filing fee for a 37 C.F.R. 1.17(a)(2) large entity. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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Dated: October 15, 2003

By: 

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I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450 on October 15, 2003.


Jean Svoboda

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